

U.S. Department of Labor

NOV 16 2008

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210



The Honorable Jim Doyle
Governor of Wisconsin
State Capitol, 115 East
Madison, Wisconsin 53702

Dear Governor Doyle:

We are pleased to be able to respond to your request for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). This action is taken under the Secretary's authority to waive certain requirements of the Workforce Investment Act (WIA) Title I, Subtitles B and E, and sections 3-10 of the Wagner-Peyser Act. These requests are written in the format identified in WIA section 189(i) (4) (B) and 20 CFR 661.420(c), and appear to meet the standard for approval at 20 CFR 661.420(e) and 20 CFR 661.430.

The State is seeking five waivers, according to its letter of September 29, 2008 (copy enclosed). The following is the disposition of the State's submission.

Requested Waiver 1: Waiver to permit the State to replace the performance measures at WIA section 136(b) with the common measures.

The State of Wisconsin is requesting a waiver of the 17 performance measures under WIA section 136(b). In their place, the State wishes to report only the six common measures. The State indicates that the waiver will facilitate an integrated, system-wide transparent accountability system, enhance the state's ability to evaluate participant data and performance in a real time context, and further align cross-program outcomes.

We are approving this waiver which permits the State to report WIA outcomes against the common performance measures only, rather than the performance measures described at WIA section 136(b). The State will no longer report to ETA on the following WIA measures: WIA adult and dislocated worker credential rates; participant and employer customer satisfaction; older youth

measures; and younger youth measures. The State will use the three adult common performance measures to negotiate goals and report outcomes for the WIA Adult and WIA Dislocated Worker programs. The State will use the three youth common performance measures to negotiate goals and report outcomes for the WIA Youth program. The waiver is approved for the period July 1, 2008 through June 30, 2009.

Requested Waiver 2: Waiver of the funds transfer limitation at WIA section 133(b)(4) to 100 percent.

The State of Wisconsin is requesting a waiver to increase transferability of funds between the WIA Adult and Dislocated Worker Title IB formula allocation funds. The waiver will give Local Boards the ability to respond to ongoing changes and significantly increase Local Boards' flexibility over program delivery to address specific geographic, demographic and industry needs that change from community to community.

The State is granted a waiver of the funds transfer limitation at WIA section 133(b)(4), through June 30, 2009. The waiver allows the State to approve local area requests to transfer up to 100 percent of local area allocations between the WIA Adult and Dislocated Worker programs.

Requested Waiver 3: Waiver to permit the use of up to 10 percent of local area formula funds to provide statewide employment and training activities identified in WIA section 134.

The State is requesting a waiver that will permit local areas to request the use of up to 10 percent of local area formula funds to provide statewide employment and training activities, including incumbent worker training. The State seeks to use local funds in order to address the skill upgrade needs of job seekers, develop exemplary program activities, and expand local service delivery options. We are granting a waiver of the language that limits the authority to provide the activities identified in WIA section 134. This will permit local areas to request the use of up to 10 percent of local area formula allocation funds to provide statewide employment and training activities. Under the waiver, these funds must be tracked by funding stream, and local areas granted this flexibility by the Governor must continue to conduct the required local employment and training activities at WIA section 134(d).

The State also requested that individuals served under this waiver be excluded from performance measures. Increased accountability is a key WIA reform principle, and as such, these individuals are not excluded from performance and the State is required to report performance outcomes for any incumbent workers served under this waiver in the Workforce Investment Act Standardized Record Data (WIASRD).

Requested Waiver 4: Waiver of the requirement at WIA section 123 that eligible providers of youth activities be identified on a competitive basis.

The State indicates that there is an insufficient number of eligible providers in rural areas to make a selection on a competitive basis. The State has made a case for the need of increased flexibility in rural areas. However, the State and local areas should not have difficulty in meeting the competitive procurement requirements in more populous areas. We are approving a waiver of WIA section 123 through June 30, 2009. Under this waiver, local areas in rural Wisconsin may request approval for additional flexibility in the procurement of qualified youth providers. Approval by the State is on a case-by-case basis and approval is granted only when the local area documents that there are no viable providers or that all current providers are underperforming. The State will provide ongoing oversight and onsite monitoring of the Local Boards that choose to take advantage of this waiver.

Requested Waiver 5: Waiver to permit the state to develop more flexible recapture and reallocation policies.

We are glad to see the State reevaluating its recapture and reallocation policies to allow the State to redirect funds to local areas in need. As communicated to the State by the Regional Office, the current waiver request does not provide adequate information on the recapture and reallocation policies it intends to establish or the standard it will use to determine when funds will be recaptured and allocated to other areas of the state. Pending this additional information, ETA will be glad to expedite the review and approval of this waiver request.

The waivers approved above, Waiver Requests 1,2,3 and 4, are incorporated by reference into the State's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and this constitutes a modification of the State's Strategic Plan. A copy of this letter should be filed with the State's WIA Grant Agreement and the approved Strategic Plan. In addition, ETA is

encouraging Wisconsin to address the impact these waivers have had on the State's performance in the State's WIA annual performance progress report, due on October 1 of each year.

We look forward to continuing our partnership with you and achieving better workforce investment outcomes. If you have any questions, please don't hesitate to call me at (202) 693-2700.

Sincerely,



for

Brent R. Orrell
Deputy Assistant Secretary

Enclosures



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

August 29, 2008

Mr. Byron Zuidema, Regional Administrator
U.S. Department of Labor
Employment and Training Administration
230 South Dearborn Street, 6th Floor
Chicago, IL 60604

Dear Mr. Zuidema:

I am requesting the U.S. Department of Labor's approval of five waiver requests for the State of Wisconsin related to the Workforce Investment Act. I appreciate the Department's encouragement to submit waiver plans in order to improve the effectiveness of our workforce programs.

I recently launched my *Grow Wisconsin - The Next Steps* strategic plan to take Wisconsin's economy to the next level. My plan provides a package of initiatives that will drive innovation, foster growth and give business fertile ground to develop and flourish. To ensure the success of this plan, we must compete at the high end, upgrading and advancing our bedrock industries, including manufacturing and agriculture. We must also invest in emerging industries like bio-technology and position our state for leadership and job growth in exciting new markets.

An educated and skilled workforce is essential to meeting the needs of business. Approval of this waiver request will make our public workforce development system more responsive for a competitive business climate and also reflects my Council on Workforce Investment's (CWI) recommendations for added accountability and transparency.

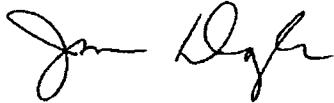
Grow Wisconsin-The Next Steps is based on two earlier *Grow Initiatives* that included the CWI's grants to local areas for region-wide workforce system integration and coordination with major economic development and education initiatives. These projects transformed the State's eleven workforce development areas into seven *Grow* grant regions for improved regional partner strategic planning, employer-linkage activities and industry cluster efforts. As Wisconsin continues to realign workforce activities on a regional basis, the silo-program mentality that created service delivery constraints is being transformed. I believe these waivers will help reshape and unify our partner discussions across programs.

The *Grow* activities also dovetail the Workforce Innovation Regional Economic Development (WIRED) DOL awards, which are being implemented in the southern third of our state. Approval of these waivers would help our WIRED regions accomplish their important work.

I am interested in having these waiver requests reviewed and approved by DOL as expeditiously as possible for implementation in program year 2008-2009.

Thank you for your consideration of these waivers. Please contact the State's WIA Liaison and CWI Executive Director, Ron Danowski, as noted in the attached State Waiver Plan for further follow-up.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Doyle". The signature is fluid and cursive, with the first name "Jim" and last name "Doyle" clearly distinguishable.

Jim Doyle
Governor

Wisconsin Workforce Investment Act (WIA) Waiver Request # 1

1. Waiver title/purpose: **Implement Common Measures**

Wisconsin is requesting a waiver of the WIA Title I core indicators of performance in order to implement the U.S. Department of Labor (USDOL) "Common Measures" as defined in Training and Employment Guidance Letter (TEGL) 17-05, issued February 17, 2006, and TEGL 29-05 issued May 12, 2006, for WIA program performance reporting. The purpose of this waiver is to remove the burdensome complexities inherent in the current WIA program performance reporting, to improve the accountability system, and encourage complimentary cross-program outcomes.

2. Identify the statutory/regulatory requirements that are requested to be waived:

Performance Measures for WIA Title 1 Sec. §136(b)(2) and (c)(1); 20 CFR §666.100(a) and §666.300(a), and any other related provisions that specify the state and local performance measures and customer satisfaction survey reporting required for W A Title Ib programs.

3. Describe the actions that the State or local area, as appropriate, have undertaken to remove State for local statutory or regulatory barriers:

The Department of Workforce Development (DWD) viewed the move to "common measures" as a positive next step for systemic improvement in the workforce infrastructure. However, a number of issues needed to be addressed before the State could fully adopt and replace the WIA Title I performance measures with DOL's unified performance accountability system.

First, the State's Automated System Support for Employment and Training (ASSET) is an internet-accessible participant reporting and data collection system that all case managers and workforce development boards use to report WIA title 1 and partner services for both performance measures and WIA Standardized Record Data Reporting. Wisconsin infused considerable resources for ASSET improvements and technical assistance to local staff that has resulted in consistent, accurate data. Because of these investments, Wisconsin is fully prepared to implement the common measures.

Second, the Division of Employment and Training (DET) wanted to continue focused technical assistance on service delivery improvements until local and state performance met or exceeded negotiated levels. As summarized in Wisconsin's WIA Annual Report of Program Year (PY) 2006¹, all 17 state performance goals were met and some exceeded the negotiated expectations. The Workforce Development Area's (WDA) performance substantially improved to the extent that only one area failed one performance goal.

At the strategic level, as mentioned in Governor Jim Doyle's cover letter, the Governor issued his next set of priorities in *Grow Wisconsin - The Next Steps: Accelerate - Innovate*². These focused areas will continue to transform the workforce investment system into regional economic development arenas emphasizing high-demand, high-growth industries and family-sustaining employment. The complexity and narrowly focused WIA Title I performance measures made conversations and cooperation with partners regarding dovetailing cross-program outcomes difficult. The common measures will aid in the alignment of these demand-driven strategies among the various workforce programs and substantially reduce barriers to cooperation among programs.

In addition, the Council on Workforce Investment (CWI) discussed the potential of waivers as part of making systemic improvements with the workforce infrastructure and in areas of service delivery. As part of the Committee's development of CWI recommendations to the Governor, they reviewed the list of DOL approved waivers. Specific recommendations related to the performance measures that were forwarded to the Governor included "co-program coordination... [to] include "consistent performance measures" and to "Begin with the Governor directing the DWD's' program administrators to negotiate common waiver requests to their federally funded agencies for the purpose of program efficacy within a fluid, coordinated One-Stop system."

Specific to the youth measures, the current credential measurement has been problematic and detrimental to the State's efforts toward systemic short-term, competency-based trainings such as Career Pathways³. In addition, the current related performance measures restrict our opportunities to be more responsive to employer's needs for specific technical training skills and general work readiness attributes. This waiver will also assist the implementation of DOL's Youth Vision of concentrating more efforts on out-of-school youth with increased accountability for employment and/or increased secondary/post-secondary education outcomes. In general, the waiver will allow more focus on academic and occupational learning.

There are no State or local regulatory barriers to implement this waiver. If the waiver request is granted, it would not preclude the state or local areas to develop and implement additional measures to assess performance.

4. Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:

The expectations for successful outcomes include

- Facilitating an integrated, system-wide transparent accountability system
- Creating an unobtrusive data collection process
- Further aligning cross-program outcomes
- Creating a tangible base from which the CWI can develop continuous improvement measures and a statewide score card on accountability

The simplification will allow us to build on more "real time" snapshots— As noted in the PY 07-09 State Plan Modification "state staff are now able to review and evaluate participant data and performance in a real time context by examining active participant records to address reporting and service delivery issues before participants exit the program."

Long-term goals:

- Effective comparative analyses across programs for continuous improvement
- Improve one-stop case manager integration through the use of state level performance metrics

5. Describe the individuals impacted by the waiver:

All customers serviced by WIA Title I B and those co-enrolled in partner programs will be positively affected by this waiver. A more concise accountability system that breaks down the silo-program modality will also improve operations and collaboration among One-Stop Operators, Case Managers and other service delivery entities. Given that the common measures are more attuned to a layperson's understanding, business partners will have a

renewed opportunity for conversations on metrics, and see improved transparency on the use of public dollars and the return on investment.

6. Describe the process used to monitor the progress in implementing such a waiver, the process used to provide notice to any Local Board affected by the waiver, Local Board's opportunity to comment on the request, and meaningful public comment by business, organized labor, public officials, community-based organizations and other stakeholders:

DET will monitor the implementation and impact of the waiver as well as progress of the goals, through regular performance reporting from the local level and discussions with stakeholders. Staff has been preparing to implement common measures since TEGL 17-05 was published. ASSET modifications and enhancements have been made and state policy documents are undergoing review and revision. DET will review applicable policies and procedures and modify them or rescind them accordingly.

DET performance staff will be conducting 11 locally customized performance training sessions thru October 2008 to ensure that all Workforce Development Boards (WDBs) and case managers have a thorough understanding of the common measures and reporting requirements.

Each quarter, staff will review participant and performance data for data entry errors and compliance with the common measures reporting requirements. WDBs and program managers will receive detailed reports that identify reporting problems and solutions. This will give case managers the opportunity to correct and update their records prior to the submission of the PY08 (and beyond) WIA Annual Report.

¹ Wisconsin's WIA Annual Report of Program Year 2006
http://dwd.wisconsin.gov/dwdwia/PDF/annual_report2006.pdf

² *Grow Wisconsin – The Next Steps* <http://www.wisgov.state.wi.us/docview.asp?docid=12933>

³ Career Pathways within Regional Skills Education Summary
http://risepartnership.org/pdf/guidelines_revised.pdf

Wisconsin WIA Waiver Requests # 2

1. Waiver title/purpose: *Transfer of Funds between Adult and Dislocated Worker*

This waiver request increases the current 30% cap to an unlimited ability for WDBs to transfer funds between the WIA Adult and Dislocated Worker WIA Title Ib formula allocation funds. The waiver would give local boards the ability to respond to on-going changes and significantly increase the WDBs' flexibility over program delivery to best address the specific geographic, demographic and industry needs that change from community to community.

2. Identify the statutory/regulatory requirements that are requested to be waived:

WIA §133(b)(4) and 20CFR §667.140 allows local boards with the approval of the Governor to transfer up to 20 percent of a program year allocation for adult employment and training activities as well as the dislocated worker activities between the two funding streams. The percentage was increased to 30 percent through a Congressional appropriation.

3. Describe the actions that the State or local area, as appropriate, have undertaken to remove State or local statutory or regulatory barriers:

This waiver will remove a current federal impediment to implement the Governor's *Grow Wisconsin - The Next Steps: Accelerate - Innovate* Reform Regulations that includes the outcome of eliminating barriers in order to maximize program effectiveness. The funding flexibility will avail WDBs, those with the most knowledge and expertise, to optimally use the funds available for improved service delivery. Dovetailing the Governor's *Grow* efforts, the CWI recommended to "streamline the funding process" and, "increase participation for job seekers and employers in a sustainable, comprehensive, training and employment system with streamlined administrative roles at the state and local levels."

WDBs have exercised their option under the law to transfer funds on a limited basis due to the current constraints. Given that Wisconsin has a few metropolitan pockets with a relatively high number of manufacturing industries undergoing major re-engineering and product development, and, conversely, large rural areas, WDB expenditures between the programs vary. The waiver will support better responsiveness to changes within each area. There are no State or local regulatory barriers to implement this waiver.

4. Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:

The general waiver goal is to eliminate a barrier in order to maximize program effectiveness. Additional goals that will be achieved include:

- Enhancing the flexibility of the WDBs to respond to workforce and economic conditions within their local areas to meet customer needs as well as improving targeted assistance efforts;
- Increasing collaboration between industry needs and worker training will improve with the expanded ability of WDBs to plan and respond accordingly; and,
- Performance outcomes will be improved through better targeting of funding.

5. Describe the individuals impacted by the waiver:

All customers serviced by WIA Title I B and those co-enrolled in partner programs will be positively affected by this waiver through increased responsiveness. WDBs will benefit with additional fiscal flexibility and local control. Also, more efficient use of resources where funds are most needed will likely result in more customers served.

6. Describe the process used to monitor the progress in implementing such a waiver, the process used to provide notice to any Local Board affected by the waiver, Local Board's opportunity to comment on the request, and meaningful public comment by business, organized labor, public officials, community-based organizations and other stakeholders:

DWD/DET will be providing guidance to the WDBs in implementing this waiver in addition to monitoring the outcomes. DET will review applicable policies and procedures, modify or rescind them and/or develop new guidance accordingly. Each quarter, DET staff will review participant and performance data via ASSET, and generate special reports when deemed necessary. Monthly expenditure reports will also be a monitoring tool.

Wisconsin WIA Waiver Request # 3

1. Waiver title/purpose: *Use of Formula Funds for Incumbent Worker Training*

Wisconsin is requesting the use of up to 10% of the local youth, adult and dislocated worker formula funds to provide incumbent worker training activities as allowable in the same manner as the statewide activity funds. The purpose is to expand the flexibility of the WDBs to address the skill upgrade needs of job seekers to meet the requisite skills for current employers and anticipated emerging industries.

2. Identify the statutory/regulatory requirements that are requested to be waived:

Allow the WDBs to use funds allocated to them under WIA Sections §127, §128, §129, §132 and §133 in the same manner and fashion as statewide activity funds are now used under WIA Section §134(a)(3)(iv)(I), and 20 CFR §665.210(d)(1) "establishing and implementing innovative incumbent worker training programs" as well as exclusion of participants served under this waiver from the performance measures reporting WIA Section §136, TEGL 29-05 and all other related sections.

3. Describe the actions that the State or local area, as appropriate, have undertaken to remove State or local statutory or regulatory barriers:

Larger scale incumbent worker training and certain other activities, such as WIA investments in Manufacturing Skills Standards Certification, have been limited due to the current law. This waiver will allow DWD to help ensure that Wisconsin's workforce system is demand-driven and that WDBs are given maximum flexibility in tailoring service delivery and making strategic investments in workforce development activities to meet the needs of state and local economies and labor markets. Allowing WDBs the authority to use a limited portion (up to 10%) of their allocated funds for incumbent worker training programs permits them to develop a fuller continuum of training services that address the needs of the existing employed/unemployed workforce. Expanded local service delivery options could include establishing an employer loan program to assist in skills upgrading, increasing the number of individuals trained for non-traditional employment, targeting areas in immediate response to economic conditions and developing exemplary program activities.

The Governor's *Grow Wisconsin - The Next Steps* includes priorities for "worker training," "advancing industry-led training initiatives" and "emerging industry skills partnerships," all of which support innovative incumbent worker training activities. The Governor emphasized that "By strengthening partnerships among schools, technical colleges, workforce development boards, labor unions, businesses and the state, we can deliver the training our workers need to improve their skills, knowledge and productivity and at the same time provide business with the qualified workers they need." Furthermore, this waiver supports the CWI's recommendation to "improve the participation of private sector employers for training, job placement and retention..."

The Center on Wisconsin Strategy published *Skilled Workers, Quality Jobs: Meeting the Needs of Wisconsin's Workers and Businesses*⁴ that provided data in a number of key workforce areas including the skill and occupational shortages for key Wisconsin industries. Numerous studies were also cited relevant to this waiver request as part of building the worker pipeline.

WDBs that choose to conduct these activities will continue to work under the current 10% limit on local administration. There are no State or local regulatory barriers to implement this waiver.

4. Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:

A shift in service delivery strategies with an additional emphasis on targeted and innovative incumbent worker training to build the skills and employment options for workers will focus on the following goals:

- Increased business sustainability by reducing the risk of laying off employees or business closure because workers have not kept current with new skills and technologies;
- Increased market penetration of WDB's local employer base and access to jobs that are vacated by incumbent workers advancing due to their increased skill levels;
- Increased participation in career pathways and life-long learning models;
- Meet industry needs by addressing current labor shortages; and,
- Increased shift to on-the-job and customized training, and other more employer-directed short-term training programs that will ensure appropriate skill-set attainment to match the employer's job needs

5. Describe the individuals impacted by the waiver:

WIA participants involved in these incumbent worker training activities. Assistance will be provided to local employers to upgrade the skills of the existing workers, enabling them to remain competitive. All customers of the workforce system will benefit from increased flexibility in service delivery.

6. Describe the process used to monitor the progress in implementing such a waiver, the process used to provide notice to any Local Board affected by the waiver, Local Board's opportunity to comment on the request, and meaningful public comment by business, organized labor, public officials, community-based organizations and other stakeholders:

DWD/DET will be providing guidance to the WDBs in implementing this waiver in addition to monitoring the outcomes through ASSET participant data. DET will review applicable policies and procedures, modify or rescind them and/or develop new guidance accordingly. Local Program Liaisons will provide on-going oversight and on-site monitoring with the WDBs that choose to participate in this waiver. Monthly expenditure reports will also be a monitoring tool.

⁴ *Skilled Workers, Quality Jobs: Meeting the Needs of Wisconsin's Workers and Businesses*
<http://www.cows.org/pdf/wp-skilledworkersqualityjobs.pdf>

Wisconsin WIA Waiver Request # 4

1. Waiver title/purpose: **Youth Program Procurement Requirements**

Wisconsin is requesting to have waived the requirement of awarding grants or contracts to eligible providers of youth activities on a competitive basis. This waiver request would simplify procurement requirements for youth services where there are few providers to compete, as is the case in many rural Wisconsin communities.

2. Identify the statutory/regulatory requirements that are requested to be waived

WIA Section §123 from funds allocated under Section §128 (b).

3. Describe the actions that the State or local area, as appropriate, have undertaken to remove State or local statutory or regulatory barriers:

There have been three notable problems associated with the existing competitive model:

- Over the years there has been progressively less competition and an increasingly limited pool of willing sub-recipients;
- Sub-recipients provide some of the required ten elements well, but not all; and,
- The cost to provide services in this manner is administratively burdensome and expensive.

The existing model has resulted in a delivery system that serves a very low number of youth one that relies on a network of service providers who are not equipped to deliver all ten youth program elements in a comprehensive and efficient manner. Secondly, given that two-thirds of Wisconsin is comprised of rural areas, there are an insufficient number of eligible providers.

It is the intent of this waiver request that when these services can be provided by existing staff and/or through existing or prospective partner arrangements, then the option should exist for the WDBs to use these services. If services cannot be provided by existing program staff or partner agencies, there would be a competitive procurement in compliance with Section 123 of the regulations so that all ten program elements would always be available to eligible youth.

This waiver will contribute to the Governor's effort to reform Wisconsin's workforce system by allowing better service delivery for youth. The waiver would also allow WDBs to provide some service to youth through the Virtual Job Center. There are no State or local regulatory barriers to implement this waiver.

4. Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:

This waiver will accomplish the following goals:

- Establish an easy-to-navigate, coherent case management system for youth that requires minimal movement among service providers;

- Create partnerships to serve youth similar to the partnerships that currently exist by memoranda of understanding to serve Adults in the One-Stop Centers;
- Improve performance levels and monitoring service delivery;
- Create points of collaboration for all youth service providers (public and non-public) affording seamless services to youth; and,
- Increase access to youth services under WIA by better utilizing Youth Centers in the existing One-Stop Career Centers, and creating appropriate satellite centers and website.

This waiver creates an opportunity for WDBs to use current program staff and partner agreements to provide required services and seek competitive procurement of outside services when needed. This is critical and necessary given the current state of resources and limited number of providers in some parts of State, and results in the maximum investment of available resources to directly serve youth.

5. Describe the individuals impacted by the waiver:

The waiver will directly impact WIA eligible youth.

6. Describe the process used to monitor the progress in implementing such a waiver, the process used to provide notice to any Local Board affected by the waiver, Local Board's opportunity to comment on the request, and meaningful public comment by business, organized labor, public officials, community-based organizations and other stakeholders:

DWD/DET will be providing guidance to the WDBs in implementing this waiver. DET will review applicable policies and procedures, modify or rescind them and/or develop new guidance accordingly. Local Program Liaisons will provide on-going oversight and on-site monitoring of the WDBs that choose to participate in this waiver. Monthly expenditure reports will also be a monitoring tool.

Wisconsin WIA Waiver Request # 5

1. Waiver title/purpose: *Use of Unspent Formula Allocation Funds*

Wisconsin is requesting a waiver relating to the recapturing of unspent formula allocation youth, adult and/or dislocated worker funds and redistributing those funds. This waiver would provide flexibility in disbursing WDBs' WIA Title I unspent carry-over allocation formula funds to other WDBs, or to provide state set-aside discretionary activities.

2. Identify the statutory/regulatory requirements that are requested to be waived:

WIA Section §133(c) and 20 CFR Sections §667.107(b) and §667.160.

3. Describe the actions that the State or local area, as appropriate, have undertaken to remove State or local statutory or regulatory barriers:

The waiver would encourage WDBs to spend their allocations more quickly. While historically Wisconsin has consistently ranked among the top states for expending WIA funds within the allotted three-year funding cycle, this waiver could spur local areas that do not readily disburse funds for participant and employer needs. The funds could be redirected to WDBs that need additional resources or for statewide activities that help promote the Governor's employment and training priorities in the Governor's *Grow Wisconsin* initiatives. Additionally, funding could be directed to reward areas who have high obligations to training. There are no State or local regulatory barriers to implement this waiver.

4. Describe the goals of the waiver and the expected programmatic outcomes if the request is granted:

The primary goals that will be accomplished by this waiver are:

- Resources allocated to meet high need around the state when necessary; and
- Geographically balance funds distribution based on short-term and long-term goals rather than by a prescribed formula.

5. Describe the individuals impacted by the waiver:

Unspent funds could be redirected to high need areas for the benefit of WIA participants and/or prospective participants.

6. Describe the process used to monitor the progress in implementing such a waiver, the process used to provide notice to any Local Board affected by the waiver, Local Board's opportunity to comment on the request, and meaningful public comment by business, organized labor, public officials, community-based organizations and other stakeholders:

DWD/DET will be providing guidance to the WDBs in implementing this waiver including factors that will be considered for fund redistribution. DET will review applicable policies and procedures, modify or rescind them and/or develop new guidance accordingly. Local Program Liaisons will provide on-going oversight and on-site monitoring with the WDBs. Monthly expenditure reports will be a monitoring tool.

Public Comment Process

In accordance with WIA Section 189(l)(4)(B)(v), CFR 20 §661.420(c)(5), and related guidance, the Division of Employment and Training (DET) provided numerous opportunities for participation in the development of, and comment on the draft waiver plan. The public comment process for meaningful public input into the development of the plan and opportunities to comment on the draft by local boards, business, organized labor, job service and other partners began in September 2007. The draft plan was formally issued on July 1, 2008 to partners for a 30-day public review and comment period, and it was posted on the workforce website. No comments were received during this review period.

The following activities highlight key partner involvement throughout this process:

- Wisconsin Association of Job Training Executives (WAJTE) is comprised of the Workforce Development Board's Executive Directors. Their discussions related to common measures waiver opportunity began in September 2007 with the DET Bureau Director, Gary Denis. The DET Division Administrator, Ron Danowski, was also part of these discussions and met with the Directors on April 2, 2008, to further vet waiver issues for the development of the final draft Waiver Plan;
- A WAJTE survey was completed April 14, 2008. The Directors identified common measures, increasing the 30% cap on formula fund transfers and incumbent worker training as the three most important waivers to improve their service delivery. On the issue of waiving the youth competitive procurement process, 66.7% of the Directors endorsed this waiver;
- ASSET User's Group composed of local and state staff discussed the common measures waiver at their meeting in January 2008 and provided input on the pros and cons; and,
- As mentioned in the Plan text, the Council on Workforce Investment reviewed waiver possibilities while developing their March 2006 and June 2007 recommendations to the Governor on systemic improvements with the workforce infrastructure and in areas of service delivery. The Council's Executive Committee were conferred about the pending draft waiver plan at their May 7, 2008, meeting.